

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAMES MAXWELL,	§	
	§	
Pro Se Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION H-09-4038
	§	
CHASE HOME FINANCE LLC, DOES	§	
1-50, and U.S. BANK NATIONAL	§	
ASSOCIATION J.P. MORGAN	§	
MORTGAGE,	§	
	§	
Defendants.	§	

OPINION AND ORDER

Pending before the Court in the above referenced cause, removed from state court on diversity jurisdiction, are (1) *Pro Se* Plaintiff James Maxwell's ("Maxwell's") motion for stay (#11) and (2) Defendants Chase Home Finance LLC "CHF") and U.S. Bank National Association, as Trustee for J.P. Morgan Mortgage Acquisition Trust 2006-HE3, Asset Backed Pass-Through Certificates, Series 2006-HE-3's ("US Bank's")¹ unanswerd motion to strike Amended Complaint/Counterclaim/Crossclaim or, alternatively, motion to dismiss (instrument #12).

Plaintiff's motion (#11) and First Amended Complaint (#9) were filed before the Court issued its opinion and order (#14) of April 7, 2010, entered the next day, establishing the standard for a viable complaint and ordering Plaintiff to file an amended

¹ US Bank states that it was improperly named "U.S. National Association J.P. Morgan Mortgage."

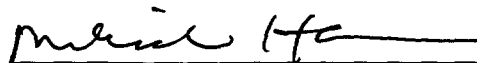
complaint that met that standard by April 28, 2010. Moreover, the Court agrees with Defendants for the reasons they state that the First Amended Complaint should be stricken. Because Plaintiff has yet to file a viable complaint, the Court further concludes that his motion to stay the foreclosure proceedings because it is highly probably that he will prevail in this action lacks merit. Accordingly, the Court

ORDERS that Defendants' motion to strike is GRANTED. The Court further

ORDERS that Plaintiff's motion to stay is DENIED. Finally the Court

ADMONISHES Plaintiff that if he fails to file timely an amended complaint, as ordered, or show good cause why he could not, this case will be dismissed.

SIGNED at Houston, Texas, this 28th day of April, 2010.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE